

## CIVIL DOCKET

BOHANON COOK

74-C-320

## UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>CHAMPLIN PETROLEUM COMPANY, a Delaware corporation,</p> <p>v.</p> <p>DONALD C. INGRAM; JOHN C. INGRAM; TRUST B CREATED BY THE LAST WILL AND TESTAMENT OF JAY P. WALKER, DECEASED, and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, ROSS T. WARNER and HORACE D. BALLAINE, as Trustees thereof;</p> <p>TRUST C CREATED BY THE LAST WILL AND TESTAMENT OF JAY P. WALKER, DECEASED, and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, ROSS T. WARNER and HORACE D. BALLAINE, as Trustees thereof;</p> <p>CHARITABLE TRUST CREATED BY PARAGRAPH 6 of ARTICLE I OF THE LAST WILL AND TESTAMENT OF JAY P. WALKER, DECEASED, and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, ROSS T. WARNER and HORACE D. BALLAINE, as Trustees thereof; DONNA JO COOPER; MARTHA WALKER STURTEVANT TRUST and THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, as Trustee thereof; GUY O. MARCHANT; CAROL JEAN WALKER, a minor, and JUDITH WALKER, Guardian of her Estate; MARTHA WALKER STURTEVANT; WARNER INVESTMENT COMPANY, an Oklahoma corporation; NONA C. SHUDDE ANNUITY TRUST and DOUGLASS D. HEARNE, as Trustee thereof; and</p> <p>THE ESTATE OF W. F. KNODE, DECEASED, and MARGARET KNODE and RALPH WILL, Executors thereof;</p>	<p>For plaintiff: <i>(append)</i> <i>584-1472</i></p> <p>Mr. Frederic Dorwart Suite 700-1 10 East Third Street Tulsa, Oklahoma 74103</p> <p>Robert W. Cox P. O. Box 9365 Fort Worth, Tex. 76107</p> <p>Cecil E. Munn First Natl. Bank Bldg. Fort Worth, Tex. 76102</p> <p><del>Holliman, Langholz, Runnels &amp; Dorwart</del> <del>2700 Fourth National Bank Bldg.</del> <del>Tulsa, Oklahoma 74119</del> <del>Richard Bohanon</del> <del>Bohanon, Barth, &amp; Carter</del> <del>2805 City National Bank Tower</del> <del>Oklahoma City, Oklahoma 73102</del> <del>(Attorney for Guy O. Marchant)</del></p> <p>For defendant:</p> <p>Wm. T. Hall (Shudde Tr. &amp; Hearne, Trust) P. O. Drawer 1687 Austin, Texas 78767</p> <p><i>Mar. append</i> Horace D. Ballaine <i>(Judge)</i> <i>585-5711</i> 1st Natl. Bank Bldg. Tulsa, Okla. 74103 (1st Natl. Bk., Warner, Ballaine, Walker Trust, Judith Walker, Carol Walker, Warner Inv. Co., Guy O. Marchant)</p> <p>Lwellyn Sale, III James Kincaid Buder Bldg. 12th Floor 1st Natl. Tower 7th N. 7th Tulsa 74103 St. Louis, Mo. 63101 (Sturdivant) (Martha Walker Sturdivant) <i>586-5680</i></p>

  

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>9-1-74</i>	Clerk	8-8-74	Dorwart	15.00	
		8-15-74	C/D #8		15 00
J.S. 6 mailed <i>4-1-76</i>	Marshal				
Basis of Action: Statutory interpleader action suspended gas royalties	Docket fee Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-8-74	1. COMPLAINT filed, SUMMONS issued.jj	
8-9-74	2. Order restraining institution or prosecution of proceedings, filed, and setting hearing on show cause why a preliminary injunction pendente lite should not be issued on 9-9-74 at 10:00 a.m.; and directing defts. to serve any answering affidavits or briefs by 8-26-74. (LB-J)hm Summons issued (with complaint)	
8-13-74	3. Affidavit of mailing of above order by pltf., filed. rm	
8-19-74	Ordered that hearing on show cause order is reset for 9-10-74 at 10:00 a.m. (LB-J)hm	
8-22-74	4. Payment into Court by Pltf. in the sum of \$782.81, filed.jj (15 days from 8-29-74)	
8-23-74	5. Application for Additional Time within which to Plead or Ans.,/ filed.jj O to J	
8-26-74	6. Motion of def. Nona Shudde Annuity Tr. & Douglass Hearne, Tr., for enlargement of time to plead or ans., filed. rm <i>o to j</i>	
8-28-74	7. Order, filed, granting defts. Nona C. Shudde Ann. Trust & D. D. Hearne, Trustee, until 9-15-74 to file responsive pleadings. (LB-J)hm (copies mailed)	
8-28-74	8. Order extending time to answer, filed, granting defts. First Natl., Warner, Ballaine, Cooper, Walker, Walker, Warner Inv. Co., Marchant, and Sturtevant, 20 days after 8-29-74 to plead or answer. (LB-J)hm (copies mailed)	
9-9-74	MO: Ordered by the Court that this case is stricken from the docket of 9-10-74, to be reset on later docket. (LB-J)v -parties notified.	
9-10-74	9. Motion of defts. Ingram & Ingram to dismiss the complaint and/or dissolve the restraining order, filed, with leave of Court. (LB-J)hm	
9-10-74	10. Memo brief in support of Ingrams' motion to dismiss and dissolve restraining order, filed. hm	
9-10-74	Return on U.S. Marshals Service, summons, /& Order Ingram at L.A., Calif. on 9-5-74 w/ fees of \$8.96; served John C. Ingram by serving Donald C. Ingram at L.A., Calif. on 9-5-74 w/ fees of \$8.00; served the First Natl. Bank & Trust Co. of Tulsa at Tulsa on 8-9-74 w/ fees of \$6.00; served Ross T. Warner at Tulsa, OK, on 8-19-74 w/ fees of \$6.00; served Horace D. Ballaine at Tulsa, OK, on 8-9-74 w/ fees of \$6.00; served Donna Jo Cooper by serving John J. Cooper Walker at Beverly Hills, Calif., on 8-14-74 w/ fees of \$10.40; served Guy O. Marchant at Newcastle, OK, on 8-12-74 w/ fees of \$8.00; served Judith Walker at L. A., Calif. on 8-14-74 w/ fees of \$10.88; served Martha Walker Sturtevant at St. Louis, Mo. on 8-13-74 w/ fees of \$12.32; served Warner Investment Co. by serving Ross Warner, Trustee, at Tulsa, OK, on 8-19-74 w/ fees of \$6.00; served Douglass D. Hearne by serving Jean OBrien, Designated agent at Austin, Texas on 8-15-74 w/ fees of \$8.00; served Trust C Created by the Last Will & Testament of Jay P. Walker, Dec. at Tulsa on 8-9-74 w/ fees of \$6.00; served Trust B created by last will & testament of Jay P. Walker, by (continued)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-10-74 (con't)	at Tulsa on 8-9-74 w/ fees of \$6.00; served charitable trust created by paragraph 6 of Article I of the last will & testament of Jay P. Walker, deceased, at Tulsa on 8-9-74 w/ fees of \$6.00; served Martha Walker Sturtevant at Tulsa, OK, on 8-9-74 w/ fees of \$6.00; served Carol Jean Walker at L. A., Calif., on 8-14-74 w/ fees of \$8.00; served Nona C. Shudde Annuity trust by serving Jean OBrien, Designated Agent at Austin, Texas, on 8-15-74 w/ fees of \$8.00. k	
9-16-74	11. Answer of certain defts., filed. k	
10-1-74	12. Payment into Court by pltf. of \$642.11 as addl. residue proceeds, filed. rm	
10-10-74	13. BRIEF of plaintiff in response to deft. Ingrams' motion to dismiss and dissolve restraining order, filed. lm	
11-11-74	14. Entry of Appearance of Margaret Knode and Ralph Will, Co-Executors of the Estate of W. F. Knode, Deceased, filed. Philip D. Hart being their attorney. v	
10-30-74	15. Payment of \$697.94 into Court by pltf, filed.k	
12-4-74	16. Payment of \$742.03 into Court by pltf., filed.k	
12-6-74	17. Mtn. of Philip D. Hart, for an Order granting permission to withdraw as counsel for Margaret Knode and Ralph Will, filed.jj O to J	
12-12-74	18. Order, filed, granting withdrawal of Philip D. Hart as counsel for defts. Margaret Knode and Ralph Will, Co-Exec. of Est. of W. F. Knode, Deceased. (LB-J)hm (copies mailed)	
12-13-74	19. Answer of defts. The Est. of W. F. Knode, deceased & Margaret Knode and Ralph Will, the Co-executors thereof, filed, with leave granted to file late and out of time. (LB-J)hm (copies mailed)	
1-8-75	20. Order filed, transferring case to Judge Cook. (LB-J) ds	
2-6-75	21. Payment into Ct. by pltf. of \$658.93 as addl. residue proceeds, as respects the month of Dec., 1974, filed. rm	
2-6-75	22. Payment into Ct. by pltf. of \$733.30 as addl. residue proceeds, as respects the month of Nov., 1974, filed. rm	
2-28-75	23. Payment into Ct. by pltf. of \$654.54 as addl. residue proceeds, as respects the month of January, 1975.	
3-13-75	24. Order overruling the motion to dismiss the complaint and overruling the motion to dissolve the restraining order, filed. (HDC-J)(copies mailed)	
3-26-75	25. Applic. and order for ext. of time, granting defts. Ingram & Ingram until 4-10-75 to ans. or file a claim. (HDC-J)hm (copies mailed)	
4-9-75	26. Payment into Ct. by pltf. of \$1,345.80 as addl. residue for mo. of Feb., 1975, filed. rm	
4-9-75	27. Applic. and order for ext. of time, granting defts. Ingram & (over)	

DATE	PROCEEDINGS	Date Order or Judgment Note
	Ingram until 4-20-75 to answer or file a claim. (HDC-J)hm (copies mailed)	
4-18-75	28. Payment of \$5,982.39 into Court by Plf, filed. mm	
4-21-75	29. Answer of Defts. Donald C. Ingram and John C. Ingram to Complaint for Interpleader, filed.jj	
6-11-75	MO: Case set for pre-trial 7-8-75 at 12:00 noon. (HDC-J)hm	
6-16-75	30. Payment into Court of \$3,216.73 by pltf, filed. lm	
6-23-75	31. Plntf's Application for continuance of Pre-trial Conf., filed. sw	
6-25-75	32. Order, filed, continuing pretrial until next pretrial conference docket. (HDC-J)g	
7-11-75	MO: Case set for PT hearing 8-26-75 at 10:30 a.m. (HDC-J)hm	
7-16-75	33. Payment into Court by Plaintiff in the amount of \$1,235.88, filed. v	\$ deposited 7-16
8-7-75	34. Payment into Court by Plaintiff in amt. of \$1,274.24, filed. b	deposited 8-7-75
8-26-75	MO: Case called for pretrial hearing. Parties represented. Statements made. Memorandum of PT conference among counsel, filed in open Court. PT order submitted to Court. Corrections and amendments to be made & final PT order to be filed this date. Non-jury trial set 2-9-76 at 10:00 a.m. Trial briefs to be filed 20 days prior to trial. (HDC-J)hm	
8-26-75	35. Memorandum of PT conference among counsel, filed. hm	
8-27-75	36. Pretrial order, filed. (HDC-J)v	
8-28-75	37. Payment into Court by Pltf in amt. of \$1,338.46, filed. lm	
9-30-75	38. Payment into Court by Pltf. in amt. of \$1,175.05, filed.jj	
11-3	39. Request for Production of Documents under Rule 34, filed.jj	
11-7	40. Payment into Court by pltf in amt. of \$971.80, filed. lm	
11-18	41. Mo. for Summary Judg., of pltf., filed. tc	
11-18	42. Brief in Support for Summary Judg against Deft., by Pltf., filed. tc	
11-18	MO: It is ordered by the Court that the deft. file a responsive brief within 10 days to the Plt's., Mo. for Summary Judg. (HDC-J) cps. md. tc	
11-19	Mo: It is ordered by the Court that the Plt. is granted 10 days to respond to Defts. Mot. of Working Interest Owners for Summary Judg. filed.tc	
11-19	43. Brief of Defendant in support of Mot. for summary judgment against Defts., Donald C. Ingram and John C. Ingram, filed tc	
11-19	44. Motion of Defendant working interest owners for summary judg., filed tc	
11-25	45. Appl. & proposed ord. of Defts. of Donald C. Ingram & John C. Ingram for ext. of time to file pre-order, filed. tc (O as part of App. 11-25 to 5)	
11-25	46. Order, filed (part of applic.), granting defts. Ingram & Ingram until 12-13-75 to file responses to the two motions for S/J. (HDC-J)hm (copies mailed)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-2-75	47. Pltf. payment into court, filed. tc	
12-3-75	48. Resp. to Request for Prod. of Doc.s, filed. tc	
12-15-75	49. Ingrams' Response to the Champlin and Walker Motions for S/J, filed. jj	
12-24	50. Payment of \$1,440.32 into Court by Pltf, filed. jj	
12-30	51. Pltf's response to defts' Ingrams brief in opposition to Pltf's mo. for S/J, filed. ph	
12-31	52. Response of deft. working int. owners to response to mo. for S/J, filed by Atty. Horace D. Ballaine. ph	
1-21-76	53. Payment into Court by pltf., filed. hm	
1-21	54. Joint trial brief of pltf. & working interest owners, filed. hm	
1-30	55. Amendment to pre-trial order, filed. (HDC-J)ph cps mld by atty Dorwart	
2-3-76	56. Pre-Trial Memo of Defts Donald C. Ingram & John C. Ingram, filed. t	
2-9-76	MO: Case tried to the Court. Parties announce ready. Mr. E. B. Grimes admitted for purposes of this trial only. Oath administered. Court overrules motions of pltf. & certain defts. for S/J. Pltf. makes opening statement. Working interest defts. make stipulations. Pltf. presents case in chief w/introduction of exhibits as evidence. Pltf. rests. Defts. Ingram present case in chief w/test. of witnesses and rest. Working interest defts. & pltf.'s motion for judgment taken under advisement. Parties rest. Closing arguments made. Court takes ruling under advisement. (HDC-J)hm	
2-9-76	Trial exhibits, filed. hm	
3-16	57. Judgment, filed and entered. Ordered that Pltf.'s request for permanent injunction is denied; the Court reserves ruling in re attys fees & costs & will consider such request upon proper appl. which must be made w/in 10 days of the date of this order. (HDC-J)v -cps. mld.	
4-2	58. Judgment filed & entered in favor of pltf. and deft. working interest owners and against deft. royalty interest owners, as entered 3-16-76; no attorney's fee is awarded; request of pltf. for permanent injunction is denied. (HDC-J)g cp mld.	
4-15	59. Notice of appeal by defs. Donald C. and John C. Ingram from final judgs. of 3/16/76 and 4/2/76, filed. rm (copy to USCA)	
4-15	60. Bond for costs on appeal (\$250 surety), filed. rm	
4-22	Transcript of proceedings had on 2-9-76, N/J trial. (T.G. Bloxom-RPR) ph	
5-12	Appeal record (3 vols.) sent to USCA. g	
7-16	61. Appl. of working int. owners to withdraw funds, filed. ph (order is a part of appl.)	
7-19	62. Order, filed, that Clerk of Court pay to Horace D. Ballaine, atty. for Working Int. Owners, the sum of \$27,429.73 from the Registry, for benefit of Working Int. Owners; further ordered that if this case be reversed upon appeal that said Horace D. Ballaine shall repay said sum into the Registry of the Court. (HDC-J)ph cps to Dorwart, Ballaine, and Imel.	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-16-78	Mandate and opinion of 10th Circuit, filed and spread of record, affirming court's judg. of 3/16/76 and 4/2/76. rm	
2-16-78	State of costs from 10th Circuit, filed, assessing costs in amt. of \$390.00 in favor of defts. appellees. rm	
2-16-78	Orig. appeal record (3 vols) received from 10th Circuit. rm	
3-13	Appellants' request that Clerk certify and transport to Supreme Court of U.S. appeal record, filed. rm	
3-13	Appeal record (3 vols) transmitted to Supreme Ct. of U.S. rm	
6-19	Letter from 10th Circuit, that petition for writ of cert. was denied by Supreme Court on 6/12/78. rm	
9-28	Appeal record (3 vols) received from Supreme Court. rm	
1983 3-3	EXHIBITS returned to pltf. counsel. hm	

*Attorneys for defendants  
Continued*

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